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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fifth session

SUMMARY RECORD OF THE 1365th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 24 August 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

later: Mr. DIACONU

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fourth to eighth periodic reports of the Dominican Republic (continued) (CERD/C/331/Add.1)

1. At the invitation of the Chairman, the members of the delegation of the Dominican Republic resumed their places at the Committee table.

2. The CHAIRMAN invited the members of the delegation to respond to the questions and comments raised by Committee members at the previous meeting.

3. Mr. GARRIDO (Dominican Republic) said that his delegation welcomed the opportunity for constructive dialogue with the Committee and shared the latter's concern at his country's long absence from the Committee's proceedings - a situation which the current Government would do everything in its power to avoid in future. The Government would also take advantage of the latest exchange of views to effect improvements in matters such as data collection, submission of reports and efforts to follow up the Convention's provisions at the national level. The authorities would submit detailed replies later in respect of matters that could not be dealt with satisfactorily at the current session.

4. Mr. SOZA (Dominican Republic), referring to questions on immigration, said that the number of Haitian migrants legally in the country was roughly 4,000. It was impossible to compile data on illegal immigrants, especially in view of the difficulty of keeping accurate checks on a 1,500 kilometre-long border, including 380 kilometres of land frontier with Haiti. Many of the Haitians entering the Dominican Republic illegally did so to escape not only economic problems but occasional political crises and the effects of natural phenomena such as cyclones - factors which created wide fluctuations in the rate of illegal entry.

5. Deportation procedure and rules applied equally to all illegal entrants, regardless of nationality, and was based on Act No. 95 of 1939 which regulated conditions for entering and leaving the country. The work of the Department for Haitian Affairs of the General Department for Migration, with the assistance of specially trained military personnel, followed an established sequence. Areas where Haitians were known to live were inspected in order to determine the number of persons entitled to be there or otherwise. If further operations were warranted, extra support could be supplied by personnel from the Attorney-General's Office, the narcotics control agency and the Ministries of Labour and Public Health. Persons lacking proper documentation were taken to centres where their circumstances were assessed further. Some might be arraigned on charges such as drug trafficking or falsifying documents, but the majority of those found present illegally would be deported by bus and provided with an inventory of their possessions, if necessary, to be handed over at the frontier. They were allowed to communicate with any relatives, and all were provided with food and basic necessities for the journey, their human rights being safeguarded throughout.

6. The current Government's approach also included a temporary relocation policy, under which the Department for Migration could provide persons with six-month permits to enable them to take the necessary steps to avoid deportation. That procedure had been developed because most Haitians had never possessed identity or other papers, even in their own country, and were unfamiliar with the idea of registration and documentation. The procedure also enabled them to seek employment. Moreover, evidence of at least 20 years' residence in the country, or of shared parentage with a Dominican citizen, could warrant preferential treatment. He added that, on account of continued political instability in Haiti, a recent Presidential decision had stepped up the work of border control, which had been enhanced by the use of helicopters and other logistic support.

7. Pursuant to article 8, section 16, of the Constitution, primary education was compulsory throughout the country. The State was duty bound to provide education to all those residing in the national territory. Secondary education, too, including attendance at agricultural, vocational, craft and other such schools, was available free of charge. It had been asked whether Haitian immigrants might fail to register for schooling for fear of deportation; a likely reason was that, as mentioned earlier, many of them lacked even such basic papers as a birth certificate. According to figures released the previous day by the education authorities, the illiteracy rate among persons aged 15 years and over had been 16.4 per cent at the end of 1998; but no data were available about the illiteracy rate among Haitian immigrants. The figures also showed that, at the end of 1998, 61.2 per cent of pupils had completed primary education, and 59.1 per cent secondary education. No information was available about tertiary education.

8. The delegation had already referred to teaching about racial discrimination, but was willing to provide any further information required.

9. Mr. BENOIT (Dominican Republic) said, in response to questions on the judiciary, that the Dominican Republic had recognized, three months previously, the competence of the Inter-American Court of Human Rights but had thus far received no notification of any cases. There had been recourse to amparo proceedings on several occasions, one example being the case involving Productos Avon S.A. and Luis Felipe Miranda; a copy of the proceedings would be provided to the Committee.

10. Judicial reform had been initiated with the 1994 constitutional reform, establishing the National Council of the Judiciary, which had elected judges to the Supreme Court of Justice, who in turn had immediately proceeded to elect the other judges of the national judicial structure. The judiciary had financial independence by law. A National Judiciary School, based on the French school, had been established, to train judges and provide refresher courses for those already in office. The Government had also appointed a commissioner to promote the reform and modernization of justice and assist in the reform of the Civil, Criminal and Commercial Codes and the Codes of Civil and Criminal Procedure. It further provided a training programme for public prosecutors, with support from national universities and substantial funding from international bodies including the World Bank and the Inter-American Development Bank. There was also a programme to provide legal aid for people of limited means.

11. Likewise, the Office of the Attorney-General of the Republic had begun a series of modernization measures aimed at improving the quality of legal services, including the promotion of out-of-court settlements and similar efforts to ease the workload, as well as schemes such as a computerization programme.

12. With regard to characterizing racial discrimination as a crime, the classification of crimes was being considered under the current reform of the Code of Criminal Procedure. No sentences had been handed down relating to charges of racial discrimination.

13. The Human Rights Committee of the Dominican Republic conducted regular courses for members of the armed forces to promote awareness on human rights and racial discrimination; and a programme to that effect had been launched for the national police. The Criminal Policy Department set up by the Office of the Attorney-General had launched a campaign on the rights of detainees, and the documentation was circulated throughout the country, including all police premises and public prosecutors' offices.

14. With regard to article 5 of the Convention, every inhabitant had the right to equal treatment before the courts, free of charge. The Departments of Family Protection and Supervision of the Attorney-General's Office had the task of investigating and taking legal action in cases of violation of personal integrity. Every Dominican citizen, including naturalized citizens, had the right to vote and to be elected, the only restriction on the latter being that they could not stand for the Presidency and the Vice-Presidency of the Republic. All persons legally in the national territory were free to travel unhindered, and to leave the country whenever they wished; the laws and the Constitution granted the same rights to all law-abiding inhabitants.

15. Immigrants did not lack access to health services, which were available to all free of charge and without discrimination.

16. Mr. GARRIDO (Dominican Republic), referring to questions on nationality, said that basically four categories were recognized, pursuant to article 2 of the Constitution, for the possession of Dominican nationality. The first concerned all persons born in the national territory except legitimate children of foreigners, or children born to diplomats or persons in transit. The second included persons who, at the time the Constitution had been drafted, had been denied that status because of previous legislation. The third included all persons born abroad to a parent of Dominican nationality, provided that they had refrained from acquiring another nationality or had made a public declaration of their intention to adopt Dominican nationality at the age of 18 years. In that regard, the 1994 amended Constitution provided that Dominican nationals could acquire another nationality and retain Dominican nationality, save in cases of specific international arrangements. The category also included persons entitled to acquire Dominican nationality by marriage. The fourth category covered citizenship by naturalization.

17. It could be seen that a combination of jus solis and jus sanguini was applied. Moreover, in accordance with article 20 of the Inter-American Convention on Human Rights, ratified by the Dominican Republic in 1978, all persons born in or inhabiting Dominican territory were Dominicans, and persons

born there had the right to nationality if they had no right to another. That was to say that a person born in the country to a foreigner and taking the latter's nationality was not a Dominican citizen; but someone born to a legal immigrant but not taking the latter's nationality was a Dominican citizen. Since the Act on Migration deemed temporary workers and their families non-immigrants or persons in transit, children born to Haitian workers in that category were not Dominican citizens - a situation fully consistent with article 1, paragraph 3, of the Convention. Therefore, taking into account Haitian nationals' lack of identity papers, children born of such a person and a Dominican parent could take out Dominican nationality if the Dominican parent had documentary evidence of citizenship. Usually, however, such children were the offspring of free unions, not marriages, because of the Haitian partner's lack of documents.

18. Regarding information on the racial and ethnic composition of the population, the United Nations had recommended that the national statistics office of the Dominican Republic should not include a question in its population census relating to the skin colour of citizens, as the question would itself be discriminatory.

19. Article 100 of the Constitution, which was cited in the addendum to the periodic report, ensured equality between all citizens, condemned any type of privilege or situation which might be detrimental to the principle of equality, and stated that no distinctions should be made other than those deriving from citizens' talents or virtues. Consequently, no State body was permitted to confer titles of nobility or to recognize hereditary distinctions.

20. The Civil Code established that foreigners enjoyed the same civil rights as those granted, by treaty, to citizens of the Dominican Republic residing in their countries.

21. Questions relating to employment would be answered in the next periodic report.

22. The CHAIRMAN informed the delegation that the Committee's interest in questions of citizenship or nationality was subject to the provisions of article 1, paragraphs 2 and 3, of the Convention.

23. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) underscored the importance of the Dominican Republic's desire to restore a dialogue with the Committee, and its pledge to submit the next report on time so as to maintain a positive exchange.

24. Contrary to the affirmation in the report that racial discrimination had disappeared from the Dominican Republic, various United Nations reports, observations by treaty bodies and reputable non-governmental organizations had noted that racial discrimination persisted against Haitian residents and citizens of Haitian origin. A first step toward building a constructive dialogue with the Committee would consist in recognizing that reality, of course having due regard for the provisions of the Convention concerning citizenship and naturalization.

25. The Committee appreciated the information provided concerning Haitian groups in the Dominican Republic. It also welcomed the information on education and illiteracy, and on the work under way to improve the education system overall. Information on education should not be restricted to the situation in the country's schools, but should also cover steps taken to encourage tolerance and understanding among all ethnic groups in general.

26. The Committee would be interested to know the results of the reform of the social security system referred to in paragraph 34 of the report. The information on the expulsion of Haitians from the country and the procedures applied in such cases was very useful to the Committee.

27. As a reform of the Criminal Code and the Code of Criminal Procedure was under way, the Committee would appreciate information in the next report on the results.

28. He thanked the delegation for the wealth of information given on the implementation of the Convention within the country. The Committee looked forward to receiving replies in the next periodic report to questions left in abeyance.

29. Mr. GARRIDO (Dominican Republic), thanking the Committee for its attention, extended an invitation to Committee members to visit the Dominican Republic so as to take stock of the actual situation prevailing there. The Dominican Republic had hosted visits from members of various bodies, including the Committee on Economic, Social and Cultural Rights and the Inter-American Commission on Human Rights. His country was open to the world and to international organizations, and a formal invitation would be forthcoming.

30. The CHAIRMAN, expressing the Committee's gratitude for the invitation, said that the Committee would further discuss the possibility of a visit once the official invitation had been received. He welcomed the resumption of a dialogue with the State party and thanked the delegation for the report and the frank and open discussion.

31. The delegation of the Dominican Republic withdrew.

Draft concluding observations concerning the initial, second and third periodic reports of Latvia (continued) (CERD/C/55/Misc.39/Rev.3, future CERD/C/...)

32. The CHAIRMAN invited the Committee to resume its consideration of the draft concluding observations concerning the initial, second and third periodic reports of Latvia (CERD/C/55/Misc.39/Rev.3).

Paragraph 18

33. Mr. BANTON suggested the paragraph should be recast to read: "Information that instruction in minority languages is to be sharply reduced in the near future is noted with concern."

34. The CHAIRMAN, speaking in his personal capacity, queried the use of the word "sharply".

35. Mr. SHERIFIS, supported by Mr. RECHETOV, said that the word was an integral part of the information to which reference was made, and should therefore remain in the paragraph.

36. Mr. DIACONU (Country Rapporteur) said he had no objection to the deletion of the word "sharply". While some sources had said that instruction in minority languages would be sharply reduced, others had said it would be eliminated altogether or that it would simply be cut back. What was important was to express the Committee's concern that there would be a reduction.

37. The CHAIRMAN said he took it that the wording proposed by Mr. Banton was acceptable, with the deletion of the word "sharply".

38. Paragraph 18, as amended, was adopted.

Paragraph 19

39. The CHAIRMAN, speaking in his capacity as a member of the Committee, said that the wording of the paragraph suggested that article 1, paragraph 1, of the Convention required States to include a definition of racial discrimination in their legislation.

40. Mr. DIACONU (Country Rapporteur) explained that the wording of paragraph 19 was intended to indicate that the definition should be in line with that found in article 1, and not that article 1 called for such a definition.

41. Mr. van BOVEN proposed that the words "in accordance with" should be replaced by "in line with", so as to remove the ambiguity.

42. Mr. SHAHI noted that the Committee had never before called in its concluding observations for a State party to bring its legislation into line with the definition in article 1. Was the Committee, by establishing such a precedent, adopting a new policy in that regard?

43. The CHAIRMAN, speaking in his personal capacity, agreed with Mr. Shahi. He had doubts about the paragraph and, were a vote to be taken, he would vote against it. However, he did not wish to stand in the way of the majority wish.

44. Mr. de GOUTTES, supported by Mr. DIACONU (Country Rapporteur), suggested that the paragraph should simply read: "The Committee recommends to the State party that it take into account, in its legislation, the definition of racial discrimination contained in article 1, paragraph 1, of the Convention."

45. The CHAIRMAN, speaking in his personal capacity, agreed with that wording.

46. Mr. RECHETOV proposed the wording: "The Committee recommends that a definition of racial discrimination should be incorporated into Latvian law,

in line with article 1, paragraph 1, of the Convention." The absence of such formulations in the legislation of States left open the possibility that the Convention could be violated in both letter and spirit.

47. Mr. GARVALOV recalled that various European regional bodies had noted that there was no explicit definition of racial discrimination in Latvian legislation, although there were constitutional provisions. He would be in favour of simply recommending that a definition of racial discrimination should be incorporated into Latvian law.

48. Mr. DIACONU (Country Rapporteur) said that Mr. de Gouttes' proposal had the merit of giving the State party more latitude to determine suitable ways of complying with the Convention. He would merely amend the latter part of that proposal, after the words "in its legislation,", to read: "a definition of racial discrimination in line with article 1, paragraph 1, of the Convention".

49. The CHAIRMAN said he took it that the proposal made by Mr. de Gouttes, as amended by Mr. Diaconu, was acceptable.

50. Paragraph 19, as amended, was adopted.

Paragraph 20

51. Mr. SHERIFIS suggested that the text should be amended to read: "all the provisions of article 4 ... cases brought to justice and their outcome". The phrase "actively implement" should be replaced by "implement as soon as possible".

52. Mr. DIACONU (Country Rapporteur) said that implementation of the provisions of article 4 of the Convention was a continuous process. "As soon as possible" implied that the process could be completed once and for all, and that no further action would then be needed.

53. Mr. SHERIFIS withdrew the amendment "implement as soon as possible".

54. Paragraph 20, as amended, was adopted.

Paragraph 21

55. The CHAIRMAN, speaking in his personal capacity, asked whether the question on naturalization was consistent with the terms of article 1 of the Convention.

56. Mr. DIACONU (Country Rapporteur) said that the situation of part of Latvia's population in respect of naturalization had led to racial discrimination. Regularizing the situation of the people concerned would remove the discrimination. The Committee was not asking the State party to change its legislation, merely to speed up its procedures.

57. Paragraph 21 was adopted.

Paragraph 22

58. The CHAIRMAN, speaking in his personal capacity, asked whether the matter of citizenship raised in the paragraph came within the scope of the Convention. Also, he was not sure what was meant by the term "regularize".

59. Mr. SHAHI asked whether the term "discrimination" was intended to refer to infringements of civil and political rights as well as economic, social and cultural rights. In respect of the right to vote, for example, States were not obliged to give non-citizens and citizens equal treatment.

60. Mr. RECHETOV said that the discrimination in question involved economic, social and cultural rights which were enjoyed by the majority of the population, but denied to the minority groups in question. That discrimination affected tens of thousands of people: they had been born in Latvia and had lived there all their lives, and had nowhere else to go.

61. Mr. van BOVEN said that the recommendation in paragraph 22 was consistent with the concern expressed in paragraph 13.

62. Paragraph 22 was adopted.

63. The CHAIRMAN, speaking in his personal capacity, said that, if the paragraph had been put to the vote, he would not have voted in favour.

Paragraph 23

64. The CHAIRMAN, speaking in his personal capacity, asked whether "differences in treatment between citizens and non-citizens" came within the scope of the Convention.

65. Mr. SHERIFIS said that he, too, had doubts about the reference to citizens and non-citizens, and about the phrase "members of minorities".

66. Mr. GARVALOV suggested the wording: "The Committee recommends to the State party ...". The phrase "members of minorities" should be replaced by "persons belonging to ethnic groups".

67. Mr. DIACONU (Country Rapporteur) said that the paragraph sought to highlight differences in the treatment accorded to various groups, which constituted discrimination under article 5 (e) of the Convention - i.e. infringement of economic, social and cultural rights. He could accept Mr. Garvalov's amendments.

68. Paragraph 23, as amended, was adopted.

69. The CHAIRMAN, speaking in his personal capacity, said that, if the paragraph had been put to the vote, he would have voted against it.

Paragraph 24

70. Paragraph 24 was adopted.

Paragraph 25

71. In reply to a question by the CHAIRMAN, Mr. DIACONU (Country Rapporteur) said that the National Human Rights Office, a governmental body, had suffered fraud and other financial problems, and had been unable to operate effectively for some two years. It now had a new chief and new staff.

72. Paragraph 25 was adopted.

Paragraph 26

73. Mr. SHERIFIS suggested that the phrase "education in minority languages" should be replaced by "education in the languages of various ethnic groups".

74. The CHAIRMAN said that the draft contained a very large number of recommendations to the State party. The Committee could, perhaps, have expressed its views more clearly and briefly.

75. Mr. DIACONU (Country Rapporteur) observed that the Committee was not the only body to have made recommendations to Latvia. Other United Nations bodies and European bodies, including the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, had done so as well.

76. Paragraph 26, as amended, was adopted.

Paragraphs 27 to 29

77. Paragraphs 27 to 29 were adopted.

Paragraph 30

78. Mr. SHERIFIS suggested changing "some of the members" to "some members".

79. Paragraph 30, as amended, was adopted.

Paragraph 31

80. Mr. SHERIFIS proposed the insertion of "concluding" before "observations".

81. Paragraph 31, as amended, was adopted.

82. The draft concluding observations concerning the initial, second and third periodic reports of Latvia as a whole, as amended, were adopted.

83. The CHAIRMAN, speaking in his personal capacity, said that, if the concluding observations had been put to the vote, he would have voted against.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Holding of the fifty-eighth session of the Committee in New York

84. The CHAIRMAN invited the Committee to comment on a paper prepared by Mr. Banton (CERD/C/Misc.38/Rev.1) concerning the holding of the fifty-eighth session of the Committee in New York and consideration, on that occasion, of the implementation of the Convention in the United States of America, whose initial and second periodic reports were overdue.

85. Mr. BANTON said that, according to his proposal, the Committee would discuss the implementation of the Convention by the United States of America at its fifty-eighth session in March 2001, even if the overdue reports had not been received. The session should be held in New York, which he considered the most effective way of ensuring greater publicity for the Convention. Perhaps other members might suggest the best way of encouraging Governments to support the proposal.

86. Mr. van BOVEN said that it was important that the Committee should be seen to have discussed the issue. Mr. Banton's proposal was a useful one, but it was also an unusual one. In his opinion, there was no need to take a decision at the current session: the issue could be discussed again at the next session in March 2000.

87. In reply to a question by the CHAIRMAN, Mr. BANTON said that the Committee was scheduled to consider the implementation of the Convention in the United States of America in March 2001, if the overdue reports were not received before then.

88. The CHAIRMAN said that the Committee would presumably send the United States Government a reminder in the usual way.

89. Mr. RECHETOV said that the procedure advocated by Mr. Banton would serve to remind the United States Government of its obligation to submit its overdue reports. However, there was no need for a special procedure: the United States of America was a State party to the Convention like any other, and must be treated on the same footing as the others. He agreed with Mr. van Boven that members should think over the proposal and take a decision at the next session.

90. Mr. SHERIFIS agreed that the Committee need not decide immediately how it would deal with the case of the United States.

91. However, the other issues raised in Mr. Banton's paper could not wait. The proposal was for the Committee's fifty-eighth session, in March 2001, to be held in New York. The General Assembly had decided to reconsider the timing and venue of the Committee's sessions in the autumn of 2000: even if it granted the Committee's wish to meet in New York, there would not be enough time to make the necessary preparations. The decision would have to be taken at the next session of the General Assembly in the autumn of 1999.

92. Perhaps the Committee should adopt a brief decision asking the General Assembly to consider the issue at its forthcoming session. The

Chairman could also include a request to the Secretary-General of the United Nations to use his good offices to that end, in the letter of transmittal accompanying the Committee's annual report.

93. Mr. Diaconu (Vice-Chairman) took the Chair.

94. Mr. VALENCIA RODRIGUEZ asked what message the Committee was trying to convey to the United States Government. The Government might see the Committee's desire to discuss its report in New York as an attempt to gain wider publicity for the Committee's comments. The proposal to spend one whole week of the session on the United States report ran counter to the principle of equitable treatment of States parties.

95. He agreed with Mr. Sherifis that, if the General Assembly considered the timing and venue of the Committee's sessions in the autumn of 2000, as scheduled, there would not be enough time to arrange for the fifty-eighth session to be held in New York in March 2001, even if the General Assembly approved the idea.

96. Mr. GARVALOV said he feared that the proposed procedure for dealing with the United States report would make an unfortunate impression on the State party. The United States must be treated on an equal footing with all other States parties.

97. In his opinion, members should not ask their own Governments to support their case, as suggested in Mr. Banton's proposal: that might jeopardize members' independence. Instead, the Committee should appeal to all the States parties to support its suggestion.

98. Mr. de GOUTTES agreed that the Committee must treat the United States like any other State party. The present debate showed the importance which it attached to receiving the United States periodic report. As Mr. Aboul-Nasr had said, a reminder should be sent to the United States Government saying that the Committee was looking forward to receiving the report. The Committee could decide later how it would consider it.

99. Mr. YUTZIS said that the Committee, while recognizing the significance of the United States report, should be careful not to turn its consideration into a show. He favoured following the customary procedure and sending a letter reminding the Government that its report was due. The paramount consideration must be to treat all States alike. The possibility of holding Committee sessions in New York, which had in the recent past been refused, should, he believed, be kept open because of the advantage that would represent for small countries which found it difficult to send representatives to Geneva. If such a session coincided with the consideration of the United States report as well, that would of course be all to the good.

100. Mr. BANTON suggested that another point could be mentioned in any representation the Committee might make: its fifty-eighth session would be the last session before the convening of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and it would be a pity for the Conference to be held without the Committee having been able to consider a report from the United States.

101. Mr. RECHETOV said that the main goal should be to persuade the United States to submit its report as soon as possible. The matter was so significant because many States saw the United States as a standard-setter in human rights. Yet Mr. Banton's proposal might actually have the effect of delaying a United States submission, until 2001. He himself was also not convinced that anyone would be swayed by the imminence of the World Conference, or that small States which had not submitted reports in Geneva would necessarily do so in New York. He supported Mr. de Gouttes' proposal to send a short letter to the State party reminding it of its obligation to submit a report pursuant to article 9 of the Convention - without reference to any special procedures - and asking it to submit the report as soon as possible so that the Committee could consider it without delay.

102. Mr. SHERIFIS said that the Committee files were full of routine letters of reminder that had gone unacknowledged; surely there was no need for a Committee decision in order to send such a letter?

103. Mr. ABOUL-NASR said, with reference to holding a session in New York, that three concomitant steps should be taken: the Committee should take a decision - not make a request - to meet in New York, in accordance with its own rules of procedure; it should request the General Assembly to take the necessary steps to implement that decision of the Committee at its forthcoming session, reminding the Assembly of the provisions of the Convention concerning meetings in New York; and it should refer specifically to both that decision and that request in its annual report to the General Assembly.

104. It was a matter of common knowledge that if the Committee's earlier decision to convene sessions in New York had not been acted upon, that had been the result of deliberate Secretariat policy in its regard.

105. Mr. van BOVEN said that it had been his understanding that Mr. Aboul-Nasr and Mr. de Gouttes had had in mind a special letter, not simply the routine letter of reminder. A formal letter would have no effect whatsoever, but a special letter would, of course, constitute special treatment of one State party. He himself would favour making an exception in the case of the United States, because of the importance of a report from that Government as an indirect contribution to the forthcoming World Conference.

106. Mr. BANTON, supporting Mr. van Boven, said that he believed the Chairman should write to the United States explaining that the Committee had to make plans well in advance; that it was aware that the United States report, when it came, would be a substantial one and it believed the topics discussed would have the highest international significance, if only because of the unprecedented experience the United States had had in grappling with problems of racial discrimination; that it would be very helpful if the report were received in time for consideration at its fifty-eighth session; and that it might be convenient for the United States as well to have it considered just before the World Conference.

107. He asked if the Committee decision he had just proposed would simply repeat paragraph 1 of its decision 8 (53), or reaffirm the Committee's

position on the matter in general, or - unless that was considered too great a concession - simply be limited to deciding to hold the fifty-eighth session in New York.

108. Mr. ABOUL-NASR said that he had in mind a separate decision, to hold the 2001 March session in New York. It would naturally refer back to the Committee's earlier decision, but in itself would not be a concession at all.

109. Mr. SHAHI observed that since the General Assembly appropriated the funds, the Committee was not in practice an autonomous body and its decisions were not self-fulfilling. He also saw a certain inconsistency between the new decision proposed and a reaffirmation of the previous year's broader decision.

110. The CHAIRMAN noted that, while maintaining its earlier decision, which was a standing request under the Convention, the Committee could at the same time make a special decision with regard to March 2001, a decision that had to be taken immediately in order to be effective in time. The second decision did not contradict the first, but simply focused on a specific point. He asked Mr. Banton to draft a decision for consideration by the Committee.

111. Mr. GARVALOV said, with regard to the letter in question, that as a matter of principle he would not be able to agree to anything other than a routine letter, such as was sent to all States parties whose reports were overdue.

112. The CHAIRMAN, supported by Mr. SHAHI, said that it was his understanding that the letter in question would contain the main elements of the routine letter but also some special elements.

113. He asked Mr. Aboul-Nasr to draft a letter in the light of the current discussion, for consideration by the Committee.

114. Mr. SHERIFIS recalled that three reminders had been sent to the United States concerning its initial report due in 1995 as well as two reminders concerning its second periodic report due in 1997, all to no avail. He was not sure a letter from the Chairman would be treated any differently. Perhaps it would be a good idea for the Chairman to hold high-level informal consultations with the United States Mission in Geneva, during which he could transmit the next two reminders and also inform it of the special review procedure in the case of seriously overdue reports. The United States Government could be contacted in writing subsequently.

115. Mr. ABOUL-NASR said that he did not think the Chairman should have direct talks with anyone at the United States Mission, but that the letter in question could be sent to the Ambassador in Geneva, asking him to transmit it to the United States Department of State.

The meeting rose at 1 p.m.